

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE

ORAL F. SEKENDUR

Debtor.

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No. 05 B 00739

MEMORANDUM OPINION ON
APPLICATION OF ORAL SEKENDUR UNDER 28 U.S.C. 1915

Debtor Oral Sekendur has filed Notice of Appeal as to several orders entered herein, and also filed with the Bankruptcy Clerk an Application (copy appended as **Exhibit** to this Opinion) under 28 U.S.C. § 1915 to proceed without payment of any appeal fees or charges.

His supporting affidavit shows that he is "self-employed" earning "about \$800/month," and he received \$3,500 by way of a loan from his parents. Apart from \$300 in a checking account, he also reports holding "Retirement Assets \$160,000." In recent proceedings before the undersigned in the above-entitled case, his similar application to proceed in pauperis was presented and Mr. Sekendur acknowledged that he has current power to withdraw monies from the retirement account. However, he argues that because that account is exempt, he is not obliged to do so and is unwilling to do so in order to pay court fees.

Based on the ample fund of \$160,000 available to him which he could use to pay appeal fees but chooses not to do so, Mr. Sekendur has falsely alleged in his affidavit that he is "unable to pay the costs of the proceedings."

Section 1915(e)(2)(A) of Title 28 U.S.C. requires denial and dismissal of an Application under § 1915 if allegations of inability to pay are false. See Sekendur v. Anto Ab, 2004 WL 2554448 (J. Moran, N.D. Ill. 2004) citing Thomas v. GMAC, 288 F.3d 305, 306 (7th Cir. 2002).

Therefore, Oral Sekendur's Application under 28 U.S.C. § 1915 is by separate order
denied and dismissed.

Entered this 6th day of January 2006.

ENTER:

Jack B. Schmetterer
United States Bankruptcy Judge

AO 240 (Rev. 10/03)

BANKRUPTCY

UNITED STATES DISTRICT COURT

NORTHERN

District of

ILLINOIS, EASTERN DIVISION

ORAL SEKENDUR

Plaintiff

DEBTOR

v.

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

CASE NUMBER:

05-b-00739

Defendant

I, ORAL SEKENDUR declare that I am the (check appropriate box)

☒ petitioner/plaintiff/movant

☐ other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? ☐ Yes ☒ No (If "No," go to Part 2)

If "Yes," state the place of your incarceration

Are you employed at the institution? Do you receive any payment from the institution?

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? ☒ Yes ☐ No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

Self Employed, About \$800/month

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment ☒ Yes
- b. Rent payments, interest or dividends ☐ Yes
- c. Pensions, annuities or life insurance payments ☐ Yes
- d. Disability or workers compensation payments ☐ Yes
- e. Gifts or inheritances ☐ Yes
- f. Any other sources ☒ Yes

FILED
UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS

JAN 04 2006
KENNETH S. GARDNER, CLERK
PS REP. - SJ

☒ No
☒ No
☒ No
☐ No

\$3,500

Loan from parents

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Exhibit to Opinion

105

40 Reverse (Rev. 10/03)

4. Do you have any cash or checking or savings accounts? ☒ Yes ☐ No

If "Yes," state the total amount. \$300.00 (THREE HUNDRED)

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? ☒ Yes ☒ No

If "Yes," describe the property and state its value.

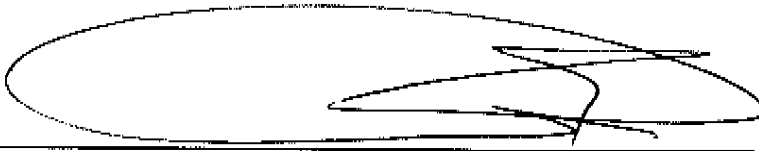
Retirement Assets \$160,000

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

1/4/06

Date



Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

CERTIFICATE OF SERVICE

I, Dorothy Clay certify that on January 10 2006, I caused to be mailed by United

States first class mail copies of the foregoing Memorandum Opinion to the following:


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Secretary/Deputy Clerk